

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE PETITION)	
OF KAVANAGH FISHERIES, INC.,)	
OWNER OF THE F/V ATLANTIC)	CIVIL ACTION NO. 05-10637-GAO
FOR EXONERATION FROM OR)	
LIMITATION OF LIABILITY)	

**PETITIONER, KAVANAGH FISHERIES, INC.'S
OPPOSITION TO THE MOTION OF KRONES, INC.
TO SUBSTITUTE PARTY AND COUNSEL**

Now comes the petitioner, Kavanagh Fisheries, Inc., through counsel, and hereby opposes the Motion of Krones, Inc. to Substitute Party and Counsel.

As ground therefore, the petitioner states that ordinarily it would have no objection to a motion to substitute one counsel for another, but Krones seeks more here. In reality, this is a motion to add a party (Krones, Inc.) and to add a claim far in excess of the claim currently pending by Zim. This runs counter to the Court's Order of Default dated November 4, 2005.

On May 27, 2005, the Court issued a Notice of Petition, directing petitioner to publish said notice in accordance with the Limitation of Liability Act, 46 U.S.C. App. §§183, et seq., and Rules F(4) and (5) of the Supplemental Rules for Certain Admiralty and Maritime Claims. The petitioner gave certified notice to the known claimants, i.e., the Zim entities and Lombard/Berryford on June 13, 2005 and June 14, 2005. The petitioner also published the Notice of Petition in the New Bedford Standard Times for four consecutive weeks as required by the Rules beginning June 2, 2005.

The deadline for filing any claims was August 31, 2005. On September 22, 2005, the petitioner moved for the entry of a default and the Court did indeed enter an Order dated November 4, 2005. The Court's Order entered a default against all persons other than Zim and

-2-

Lombard/Berryford. The Court Order also indicated that no further claims may be asserted against the petitioner, which is exactly what Krones attempts to do by the instant motion.

Because of the Court's existing Order, any claim by Krones is time barred and its motion, at least to the extent that it seeks to lodge a claim that is greater than the one Zim presently has filed in the case should be denied.

For the Petitioner,
Kavanagh Fisheries, Inc.,
By its attorneys,

REGAN & KIELY LLP

/s/ Joseph A. Regan
Joseph A. Regan, Esquire (BBO #543504)
88 Black Falcon Avenue, Suite 330
Boston, MA 02210
(617)723-0901
jar@regankiely.com